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**In the United States Patent and Trademark Office
Board of Patent Appeals and Interferences (37 CFR 1.191)**

In re application of: James P. Elia

Docket No.: 1000-10-CO1

Serial No. 09/836,750

Group No.: 1647

Filed: February 27, 2001

Examiner: Daniel C. Gamett



For: METHOD FOR GROWING
MUSCLE IN A HUMAN HEART

MAIL STOP APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Appellant hereby submits an Appeal Brief, in furtherance of the Notice of Appeal mailed on February 27, 2009, and received by the Patent and Trademark Office on March 3, 2009, in the above-identified application.

The item(s) checked below are appropriate:

1. **Status of Applicant/Appellant**

This application is on behalf of

☒ a small entity

2. **Fee for Filing Appeal Brief**

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

Appeal Brief fee due: \$ 270.00

☒ A filing fee in the amount of \$250 for the Appeal Brief filed February 23, 2007 was paid; therefore, pursuant to MPEP 1204.01, \$250.00 is deducted from the total fee due for the instant Appeal Brief.

☒ Notice of Appeal fee due with this request

\$ 20.00

3. **Extension of Term**

a) ☐ Extension requested:

Extension (months)	Fee for small entity
one month	\$ 65.00
two months	\$ 245.00
three months	\$ 555.00
four months	\$ 865.00
five months	\$1,175.00

06/02/2009 CNGUYEN2 00000035 09836750

01 FC:2402
02 FC:2251

270.00 OP
65.00 OP

Adjustment date: 06/02/2009 CNGUYEN2
02/26/2009 RAEBRAH 00000054 09836750
01 FC:2402

-250.00 OP

Extension fee due: \$65.00

☒ Request Extension for 1 month

Appeal Brief Transmittal

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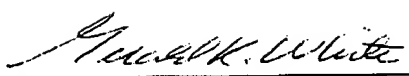
3. **Extension of Term (continued)**

Or

b) ☐ No Extension requested4. **Total Fee Due**☒ The total fee due is:☒ Appeal Brief fee \$ 20.00☒ Extension fee \$ 65.00**Total Fee Due: \$ 85.00**5. **Fee Payment**☒ Attached is Check No. 1772 in the sum of \$ 85.00

Date: May 27, 2009

Reg. No.: 26,611



Signature of attorney

Gerald K. White

Type or print name of attorney**CERTIFICATE OF MAILING**

I hereby certify that the attached APPELLANT'S APPEAL BRIEF was deposited, as First Class Mail, in an envelope addressed to Mail Stop APPEAL BRIEF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 27th day of May, 2009.

Dated: May 27, 2009



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